

WEDNESDAY, MARCH 2, 1988

SIXTY-FOURTH LEGISLATIVE DAY

The House met at 2:00 P.M. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Thomas Whitfield, Central Church of Christ, Nashville, Tennessee, guest of Representative Victor Ellis.

Representative Victor Ellis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

The Speaker announced that Representative Duer was excused because of a death in the family.

The Speaker announced that Representative Whitson was excused because of business.

MOTION

Rep. Phillips moved that the Clerk read House Joint Resolution No. 526, (recognizing Fayetteville-Lincoln County Day) passed earlier by the House and concurred in by the Senate, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1184, 1395, 1556, 1605, 1606, 1608, 1701, 1766, 1779, 1781, 1782, 1836, 1876, 1877, 1942, 1953, 2185, 2188, 2192, 2195 and 2274; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**Senate Bill No. 1184 -- Drivers' Licenses --** Revises grounds for suspension of driver's license. Amends TCA, Title 55, Ch. 7. (\*HB 1153).

**\*Senate Bill No. 1395 -- Liens --** Changes priority of liens for surface mine reclamation. Amends TCA, Title 59, Ch. 8. (HB 1597).

**\*Senate Bill No. 1556 -- Alcoholic Beverages --** Permits alcoholic beverage sales during brunches and buffets on Sunday. Amends TCA 57-4-203. (HB 1857).

**\*Senate Bill No. 1605 -- Highways, Roads and Bridges --** Changes definition of "highway" and "street" for purposes of motor vehicle rules of the road. Amends TCA 55-8-101. (HB 1845).

**\*Senate Bill No. 1606 -- Highways, Roads and Bridges --** Provides for directional signs for Jonesborough. (HB 2279).

**\*Senate Bill No. 1608 -- Sunset Laws --** Extends termination date of Tennessee Student Assistance Corporation, Board of Directors. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 4. (HB 1601).

**\*Senate Bill No. 1701 -- Motor Vehicles, Titling and Registration --** Permits cultural/college license plates to not display county; provides for part of revenue to be used for promotion; permits one time minimum order. Amends TCA, Title 55, Ch. 4, Pt. 3. (HB 1630).

**\*Senate Bill No. 1766 -- Barbers --** Revises certain provisions relative to the qualifications and licensure of barbers. (HB 2042).

**\*Senate Bill No. 1779 -- Education --** Authorizes certain school days to be used for parent-teacher conferences. Amends TCA 49-6-3004. (HB 1683).

**Senate Bill No. 1781 -- Education --** Requires board to meet quarterly at capitol and at such other times as may be determined. Amends TCA 49-1-301. (\*HB 1516).

**Senate Bill No. 1782 -- Education --** Limits LEA budgets as to date that ends fiscal year. Amends TCA 49-3-316. (\*HB 1521).

**\*Senate Bill No. 1836 -- Workers' Compensation --** Requires cost of doctor's deposition in workers' compensation claim to be part of cost of case. Amends TCA 50-6-226. (HB 1818).

**\*Senate Bill No. 1876 -- Taxes --** Requires claim for refund of petroleum products tax for products exported outside of state to be filed within one year of export. Amends TCA 67-3-910. (HB 1721).

**\*Senate Bill No. 1877 -- Travel Regulations --** Allows moneys of Tennessee Intercollegiate State Legislature Foundation to be used for student travel expense. Amends TCA, Title 49, Ch. 3, Pt. 20. (HB 1929).

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**Senate Bill No. 1942** -- Insurance, Motor Vehicles -- Requires insurance companies to specify reasons for non-renewal in notice of intention not to renew. Amends TCA, Title 56, Ch. 7, Pt. 13. (\*HB 1478).

**\*Senate Bill No. 1953** -- Television, Cable -- Regulates granting of cable TV franchises. Amends TCA, Title 7, Ch. 59. (HB 1784).

**Senate Bill No. 2185** -- Property -- Establishes a stratified fee estate if superconducting super collider locates in Tennessee. (\*HB 1965).

**Senate Bill No. 2188** -- Local Government -- Authorizes local governments to award contracts for energy equipment and services under same procedures for professional services. (\*HB 1968).

**Senate Bill No. 2192** -- Loan Companies -- Broadens definition of "endorsement company". Amends TCA 45-5-102. (\*HB 1972).

**Senate Bill No. 2195** -- Medicine, Practice of -- Includes nurse midwife services and other mandated services as permissible medicaid expenses. Amends TCA 71-5-107. (\*HB 1975)

**\*Senate Bill No. 2274** -- Courts, Juvenile -- Permits legislative bodies to designate elected clerk to serve as clerk of special juvenile court. Amends TCA 37-1-211. (HB 2086).

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions No.: 341, 356, 357, 358, 359, 360, 362, 367, 368 and 369; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Joint Resolution 0341** -- Memorials, Government Officials -- Directs Departments of Transportation and Tourist Development to promulgate program to beautify and maintain welcome centers and roadsides.

**Senate Joint Resolution 0356** -- Memorials, Retirement -- Honors John Herron Biddle on retirement.

**Senate Joint Resolution 0357** -- Memorials, Retirement -- Honors Preston Huckey on retirement from Tennessee Bureau of Investigation.

**Senate Joint Resolution 0358** -- Memorials, Public Service -- Honors Bessie W. Edwards for outstanding service to community.

**Senate Joint Resolution 0359** -- Memorials, Professional Achievement -- Commends Walter Martin, Jr. on musical career and work in church.

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**Senate Joint Resolution 0360** -- Memorials, Public Service -- Honors Dorothy Parrish for work in Parrish Care Home.

**Senate Joint Resolution 0362** -- Memorials, Professional Achievement -- Honors Cynthia A. Gentry for outstanding service to educational community.

**Senate Joint Resolution 0367** -- Memorials, Recognition and Thanks -- Commends Tony Hardin on service as legislative page.

**Senate Joint Resolution 0368** -- Memorials, Public Service -- Honors Jack Trayer for exemplary work in business for 61 years.

**Senate Joint Resolution 0369** -- Memorials, Congratulations -- Honors Warren County Senior High School Pioneerettes.

**REGULAR CALENDAR**

**House Bill No. 1621** -- Health and Enviroment, Dept. of -- Establishes maximum permit and inspection fees for regulation of travel camps. Amends TCA, Title 68.

Rep. Hillis moved that House Bill No. 1621 be reset to the calender for Thursday, March 3, 1988, which motion prevailed.

**House Bill No. 1543** -- Traffic Safety -- Gives local authorities right to enter into agreement with federal agencies for traffic safety. Amends TCA, Title 55, Ch. 8.

Rep. Coffey moved passage of House Bill No. 1543 on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Yelton and Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

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**House Bill No. 2362** -- Highways, Roads and Bridges -- Provides for directional signs for Nashville.

Rep. Robinson (Davidson) moved that House Bill No. 2362 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2427** -- Housing -- Establishes criteria for uniform policy for fair and equitable treatment of certain displaced persons. Amends TCA, Title 13, Ch. 11.

Rep. Robinson (Davidson) moved that House Bill No. 2427 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

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**\*House Bill No. 2428 -- Motor Vehicles --** Applies margin of error to gross or axle weight to certain vehicles. Amends TCA 55-11-203.

Rep. Robinson (Davidson) moved that House Bill No. 2428 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

Representatives voting no were: Severance and Stafford -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2429 -- Motor Vehicles --** Prohibits certain vehicles hauling certain products from using interstate system. Amends TCA 55-4-124.

On motion, House Bill No. 2429 was made to conform with Senate Bill No. 2437.

On motion, **Senate Bill No. 2437**, on same subject, was substituted for House Bill No. 2429.

Rep. Robinson (Davidson) moved passage of Senate Bill No. 2437 on third and final consideration, which motion prevailed by the following vote:

Ayes .....	83
Noes .....	14

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Hassell, Head, Henry, Herron, Hillis, Holcomb, Holt, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 83.

Representatives voting no were: Burnett, Davis (Gibson), Harrill, Hawkins, Hobbs, Hurley, Ivy, Long, Moody, Moore (Lawrence), Severance, Stafford, Tankersley and Winningham -- 14.

A motion to reconsider was tabled.

**\*House Bill No. 1975** -- Medicine, Practice of -- Includes nurse midwife services and other mandated services as permissible medicaid expenses. Amends TCA 71-5-107.

On motion, House Bill No. 1975 was made to conform with Senate Bill No. 2195.

On motion, **Senate Bill No. 2195**, on same subject, was substituted for House Bill No. 1975.

Rep. Starnes moved that Senate Bill No. 2195 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**WEDNESDAY, MARCH 2, 1968 -- SIXTY-FOURTH LEGISLATIVE DAY**

**\*House Bill No. 1994 -- Highways, Roads and Bridges --** Authorizes local governments to make improvements to existing highways.

On motion, House Bill No. 1994 was made to conform with Senate Bill No. 2214.

On motion, Senate Bill No. 2214, on same subject, was substituted for House Bill No. 1994.

Rep. Robinson (Davidson) moved passage of Senate Bill No. 2214 on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	2
Present and Not Voting .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 92.

Representatives voting no were: Henry and Stafford -- 2.

Representatives present and not voting were: Dixon and Jones U. (Shelby) -- 2.

A motion to reconsider was tabled.

The Speaker relinquished the chair to Rep. DeBerry, Speaker Pro Tempore.

**House Bill No. 1381 -- Boards and Commissions --** Changes the name of the prison agri-industries board; increases the per diem for board members. Amends TCA, Title 41, Ch. 22, Pt. 4.

Rep. DePriest moved that House Bill No. 1381 be passed on third and final consideration.

Rep. Henry moved to amend as follows:



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**Amendment No. 1**

Amend House Bill No. 1381 by deleting Section 2 in its entirety, and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 41-22-403(f), is amended by deleting the language "forty-five dollars (\$45.00) per diem", and by substituting instead the language "an amount equal to the per diem amount for members of the general assembly authorized by Tennessee Code Annotated, Section 3-1-106(b)(1)".

On motion, the amendment was adopted.

Thereupon, Rep. DePriest moved that House Bill No. 1381, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 2235 -- Highways, Roads and Bridges -- Provides for directional signs to Powell Station on I-75.**

Rep. Severance moved that House Bill No. 2235 be passed on third and final consideration.

Rep. Robinson (Davidson) moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2235 by deleting the words "Powell Station" in Section 1 and substituting instead the words "Powell".

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On motion, the amendment was adopted.

Thereupon, Rep. Severance moved that House Bill No. 2235, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 1579 -- Zoning --** Exempts certain municipalities from enforcement process of zoning ordinances. Amends TCA 13-7-208.

On motion, House Bill No. 1579 was made to conform with Senate Bill No. 1835.

On motion, **Senate Bill No. 1835**, on same subject, was substituted for House Bill No. 1579.

Rep. Huskey moved passage of Senate Bill No. 1835 on third and final consideration.

Rep. Huskey moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1835 by inserting the words and symbols "subsections (b), (c), (d) and (e)" between the words "of" and "this" in the first line of the amendatory language of Section 1.;

And further amend the amendatory language of Section 1. by inserting a period immediately following the symbols "(ii)" and deleting the remainder of the amendatory language.

On motion, the amendment was adopted.

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Thereupon, Rep. Huskey moved that Senate Bill No. 1835, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

### REMARKS

Rep. Huskey requested that the following remarks relative to Senate Bill No. 1835 be spread upon the Journal.

Mr. Speaker and members of the House:

House Bill 1579 (Senate Bill 1835) is a very important piece of legislation for the Premier Resort Cities of Tennessee. The City of Gatlinburg is a good example of the need for passage of this legislation.

Gatlinburg, Tennessee, is a small resort town nestled at the foothills of the Great Smoky Mountains National Park. It has a resident population of 3,500 and a seasonal average tourist population of 18,000 which exceeds 31,000 during peak periods. Within the City's 5,300 acre corporate limits are approximately 500 acres of commercially developed land which caters to over 10 million visitors annually. With over 90 percent of its economic base depending on tourism, Gatlinburg's economic future rests largely on the quality of its appearance and ability to meet the growing demands of the public. Therefore, it is of particular importance that the City's unique character along with adequate public facilities be retained and promoted through proper zoning regulations.

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External growth for Gatlinburg is extremely limited by two neighboring cities located on its two entrance corridors and over half of its corporate boundary bordering the National Park. With vacant land in commercial districts being virtually nonexistent, expansion and redevelopment of existing land uses have become the predominant source of growth responding to Gatlinburg's continual increase in tourist population. This internal growth has placed a tremendous burden on the City's already congested vehicle and pedestrian circulation systems. With virtually no land available to expand existing streets, the only reasonable alternative for relieving this congestion has been to take people out of their cars and place them on City sidewalks through the use of a mass transit system. Therefore, promoting and protecting the free flow of pedestrians along the City's sidewalks through open space has become of supreme importance to Gatlinburg's economic future.

As reflected in T.C.A. 13-7-103, the purpose of zoning is to promote and protect the welfare of its present and future population by, among other things, lessening congestion in streets and promoting adequate open space to prevent the overcrowding of lands. However, achieving and maintaining this statutory goal continues to be less than a reality in Gatlinburg. This is due to the "grandfather clause" of T.C.A. 13-7-208 preventing the City from amortizing the many existing land uses which over the years have gradually encroached into building setback areas which serve to provide open space along the City's streets and sidewalks. The statute even compounds the problem by allowing these non-conforming uses to expand their operations into this precious commodity of open space.

With the continuing economic demands for growth in Gatlinburg causing redevelopment of existing non-conforming buildings, it presents the greatest opportunity for the City to amortize open space encroachments. However, structuring the City's zoning ordinance to accomplish this task is currently prohibited by the "grandfather clause".

In conclusion, Gatlinburg's geographic location and economic advantages make it a very unique city. This uniqueness presents special land use problems which are not generally experienced in other cities across Tennessee. While the "grandfather clause" in principal attempts to respect individual rights, as it applies to Gatlinburg, it serves as a substantial detriment to the public's best interest. Therefore, an exemption from this statute is necessary for the City of Gatlinburg and Premier Resort Cities in Tennessee to continue to preserve and protect their economic future.

Representative Larry Huskey  
Representative Lois DeBerry

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2285 -- Taxes, Sales --** Imposes sales tax on certain flea market vendors. Amends TCA 67-4-709; Title 67, Ch. 6, 67-6-102.

Rep. Kisber moved that House Bill No. 2285 be reset to the calendar for Wednesday, March 9, 1988, which motion prevailed.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**House Bill No. 2132 -- Budget Procedures -- Enacts "County Budget Law of 1990". Amends TCA, Titles 5, 49, 67.**

Rep. Rhinehart moved that House Bill No. 2132 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2132 by deleting from the first sentence of Section 5(b), the language "The county executive, the " and by substituting instead the language "The".

AND FURTHER AMEND by adding at the beginning of Section 38, the following new sentence:

Sections 31 through 33 of this act shall take effect on September 1, 1990, and shall be applicable to taxes for the calendar year 1990.

On motion, the amendment was adopted.

Rep. Stafford moved to amend as follows:

**Amendment No. 2**

Amend House Bill 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_. The provisions of this act shall not apply in counties having a population of:

not less than  
28,500  
28,690  
13,600

nor more than  
28,560  
28,750  
13,610

according to the 1980 federal census of population or any subsequent census.

On motion, the amendment was adopted.

On motion of Rep. Rhinehart, House Bill No. 2132 was reset to the calendar for Wednesday, March 9, 1988.

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**\*House Bill No. 1505 -- Pensions and Retirement Benefits --** Permits certain members of election commission to be members of TCRS. Amends TCA 8-35-113.

Rep. Rhinehart moved that House Bill No. 1505 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1325 -- Insurance Companies, Agents, Brokers --** Requires certain policies of insurance to include information which will allow the policyholder to contact more easily the insurer. Amends TCA, Title 56.

Rep. Ellis moved that House Bill No. 1325 be passed on third and final consideration.

Rep. Ellis moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1325 by deleting Section 1 in its entirety and substituting therefor the following:

**SECTION 1.** Every policy of life insurance, accident and health insurance, property insurance or casualty insurance issued after January 1, 1989, covering risks in the state of Tennessee by a company not maintaining a policyholder service office in this state, shall be accompanied by the complete address and telephone number (toll free number if available) of the policyholder service office of the company issuing the policy. In the event an insurance company which has a policyholder's service office in this state ceases to

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maintain such office, the company shall provide its policyholders residing in Tennessee with a written notice containing the complete address and telephone number (toll free number if available) of the servicing agent or the nearest policyholder service office of the company.

On motion, the amendment was adopted.

Thereupon, Rep. Ellis moved that House Bill No. 1325, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivans, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1384 -- Drivers' Licenses --** Requires person whose license is suspended for refusing breath test to follow same procedure for restricted license as person convicted of DUI. Amends TCA 55-10-406.

Rep. Wood moved that House Bill No. 1384 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

**Amendment No. 1**

- Amend House Bill No. 1384 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following to the end of subsection (a)(3):

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In order for such driver to obtain a permanent unrestricted license at the end of such six (6) month period of suspension, he shall be required to follow the same procedure, present the same documentation and pay the same fees as are required of a person obtaining a permanent unrestricted license following a conviction under Tennessee Code Annotated, Section 55-10-401, relative to driving under the influence of an intoxicant.

On motion, the amendment was adopted.

Thereupon, Rep. Wood moved that House Bill No. 1384, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	1
Present and Not Voting .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 91.

Representative voting no was: Wheeler -- 1.

Representatives present and not voting were: Head and Turner L. (Shelby) -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2273 -- Education --** Revises powers and duties of local boards of education. Amends TCA 49-2-203.

Rep. Moore (Shelby) moved that House Bill No. 2273 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0



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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Garrett, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

**\*House Resolution No. 0089 -- Memorials, Congress -- Urges Tennessee delegation to oppose legislation banning private possession of certain firearms.**

Rep. Moore (Shelby) moved that House Resolution No. 89 be adopted, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	5

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 85.

Representatives voting no were: Dixon, Drew, Moody, Nance and Pruitt -- 5.

A motion to reconsider was tabled.

**\*House Bill No. 1535 -- Economic and Community Development -- Requires certain agencies to file annual reports with the department of economic and community development; requires the department to compile certain data and report its analysis to the general assembly. Amends TCA, Title 4.**

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Rep. Garrett moved that House Bill No. 1535 be reset to the calendar for Thursday, March 3, 1988, which motion prevailed.

**House Bill No. 1862 -- Municipal Government --** Places certain requirements on boards of directors of not-for-profit corporations acting on behalf of local governments under the provisions of TCA Title 7, Chapters 4, 58. Amends TCA, Title 7, Ch. 54; Title 8, Ch. 44; Title 12, Ch. 4; Title 68, Ch. 31.

Rep. Miller moved that House Bill No. 1862 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, and Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 1863 -- Energy --** Prohibits certain board members of not-for-profit corporations from also being executive director. Amends TCA, Title 7, Ch. 54.

Rep. Miller moved that House Bill No. 1863 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1863 by deleting from the amendatory language of Section 1 the language "serve during his term as the executive director of such corporation", and by substituting instead the language "during his term be an employee of such corporation".

On motion, the amendment was adopted.

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Thereupon, Rep. Miller moved that House Bill No. 1863, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**House Bill No. 1409 -- Sunset Laws --** Extends termination date of Tennessee Public Television Council. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 50.

On motion, House Bill No. 1409 was made to conform with Senate Bill No. 1468.

On motion, **Senate Bill No. 1468**, on same subject, was substituted for House Bill No. 1409.

Rep. Garrett moved that Senate Bill No. 1468, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley,

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Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 1607** -- Sunset Laws -- Extends termination date of Interstate Compact on Juveniles. Amends TCA, Title 4, Ch. 29; Title 37, Chs. 1, 4.

On motion, House Bill No. 1607 was made to conform with Senate Bill No. 1614.

On motion, **Senate Bill No. 1614**, on same subject, was substituted for House Bill No. 1607.

Rep. Garrett moved that Senate Bill No. 1614, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1997** -- Highways, Roads and Bridges -- Grants commissioner of transportation rulemaking authority to define types of materials suitable for screening. Makes junkyard control provision apply to automotive distributors. Amends TCA 54-20-106, 123.

On motion, House Bill No. 1997 was made to conform with Senate Bill No. 2217.

On motion, **Senate Bill No. 2217**, on same subject, was substituted for House Bill No. 1997.

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Rep. Davis (Gibson) moved that Senate Bill No. 2217 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and Not Voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 93.

Representative present and not voting was: Jones, U. (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 2272 -- Taxes --** Revises Tennessee Local Option Revenue Acts. Amends TCA, Title 67, Ch. 6, Pt. 7.

Rep. Moore (Shelby) moved that House Bill No. 2272 be passed on third and final consideration.

Rep. Davidson moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2272 by redesignating the amendatory language of Section 1 to be (e)(1) and by adding at the end of the amendatory language a new subdivision (e)(2), as follows:

(e)(2) The provisions of subdivision (e)(1) shall apply to any county with a population of seven hundred thousand (700,000) or more, according to the 1980 federal census.

On motion, the amendment was adopted.

Rep. Good moved to amend as follows:

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Amendment No. 2

Amend House Bill No. 2272 by redesignating the amendatory language of Section 1 to be (e)(1) and by adding at the end of the amendatory language a new subdivision (e)(2), as follows:

(e)(2) The provisions of subdivision (e)(1) shall also apply to counties with populations according to the 1980 federal census, or any subsequent federal census of:

not less than  
88,700

nor more than  
88,800

On motion, the amendment was adopted.

Rep. Bivens moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2272 by redesignating the amendatory language of Section 1 to be (e)(1) and by adding at the end of the amendatory language a new subdivision (e)(2), as follows:

(e)(2) The provisions of subdivision (e)(1) shall also apply to counties with populations according to the 1980 federal census, or any subsequent federal census of:

not less than  
67,500

nor more than  
67,600

On motion, the amendment was adopted.

Thereupon, Rep. Moore (Shelby) moved that House Bill No. 2272, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	3
Present and Not Voting .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier,

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Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 92.

Representatives voting no were: Holt, Long and Moody -- 3.

Representatives present and not voting were: King and Lawson -- 2.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

**House Joint Resolution 0548** -- Memorials, Professional Achievement -- Honors James G. Douglas for career as educator.

**House Bill No. 1241** -- Sequatchie County -- Provides for interment of Sequatchie County residents.

On motion, House Bill No. 1241 was made to conform with Senate Bill No. 1248.

On motion, **Senate Bill No. 1248**, on same subject, was substituted for House Bill 1241.

**House Bill No. 1342** -- Pikeville -- Provides annual salary for board of mayor and aldermen. Amends Chapter 574, Private Acts of 1939.

**House Bill No. 2242** -- McKenzie -- Changes terms and election of city council members. Amends Chapter 317, Private Acts of 1923, as amended.

**House Bill No. 2311** -- Martin -- Authorizes separate office of city judge. Amends Chapter 552, Private Acts of 1919, as amended.

**House Bill No. 2441** -- Stanton -- Changes date of city election and makes office of recorder appointed rather than elected. Amends Chapter 408, Private Acts of 1927.

**House Bill No. 2442** -- Newbern -- Renames marshal as chief of police; removes requirement that be citizen of Newbern. Amends Chapter 450, Acts of 1904, as amended.

**House Bill No. 2454** -- Gatlinburg -- Revises term of office for board of commissioners. Amends Chapter 84, Private Acts of 1945, as amended.

**\*House Bill No. 2455** -- Dyer County -- Abolishes position of juvenile court criminal investigator. Repeals Chapter 57, Private Acts of 1987.

Rep. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**NOTICE TO ACT ON SENATE AMENDMENTS**

Pursuant to **Rule No. 59**, the sponsors gave notice of intent to consider the following measures from the Senate on Thursday, March 3, 1988.

House Bill No. 616: Rep. Wheeler.

House Bill No. 1388: Rep. Rhinehart.

**BILLS WITHDRAWN**

On motion of Rep. Coffey, House Bill No. 1542 was recalled from the General Welfare Committee.

On motion of Rep. Coffey, **House Bill No. 1542** was withdrawn from the House.

**RULES SUSPENDED**

\* Rep. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 574 out of order, which motion prevailed.

**House Joint Resolution No. 574 -- Memorials, Public Service --** Commends Governor McWherter for appointing and recognizes the efforts of the Coal Industry Task Force. by \*Wheeler, \*Cross, \*Duer, \*Severance, \*Winningham, \*Coffey, \*Jared, Rhinehart, Murray.



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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Dixon moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 573 out of order, which motion prevailed.

**House Joint Resolution 0573** -- Memorials, Personal Achievement -- Congratulates JoAnn Jones on selection as Outstanding Ordinary People of 1988. by \*Dixon.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Dixon, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 564 out of order, which motion prevailed.

**House Joint Resolution 0564** -- General Assembly, Proclamations -- Proclaims March 4-11, 1988 as Tennessee Tree Week. by \*Hillis, \*Crain, \*Moore U A, \*McAfee, \*Severance, \*Miller, \*Stallings, \*Kernell, Wix, Duer, Bewley, Davis R E, Moody, Wolfe, Huskey, Jared, Robinson Robb, Cain, Turner C.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Starnes moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 561 out of order, which motion prevailed.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**House Joint Resolution No. 561** -- General Assembly, Proclamations -- Proclaims March 1, 1988, as National Teachers' Day. by \*Starnes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Starnes, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

**\*House Bill No. 1168** -- Courts, General Sessions -- Establishes new compensation and work schedule for general sessions courts based upon population classes; creates executive secretary to general sessions judges conference. Amends TCA, Title 16, Ch. 15; Title 17, Ch. 3, Pt. 2. Repeals TCA, Title 37, Ch. 1, Pt. 2.

Rep. Buck asked to be recognized for the purpose of making the following statement:

**MR. SPEAKER:** Last year while considering House Bill No. 1168 in the Judiciary Committee, the Committee adopted for recommendation to the House six amendments. Since that time, the bill has been sent to Finance, Ways and Means Committee and returned to the Judiciary Committee for further consideration.

Last week when the Judiciary Committee considered House Bill No. 1168, the Committee adopted another set of amendments which include those recommended last year. In order to avoid having to spread a large number of Committee amendments which we would at the time of third consideration withdraw, I would move you, Sir, to permit me to withdraw Committee Amendments Nos. 1, 2, 3, 4, 5 and 6 adopted last year by the Judiciary Committee and recommended to the House.

The motion to withdraw these amendments prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 202: Rep. Montgomery added as a prime sponsor.

House Bill No. 1069: Rep. Buck added as a prime sponsor.

House Bill No. 1333: Reps. Scruggs, Byrd and Tanner added as prime sponsors.

House Bill No. 1387: Rep. Miller added as a prime sponsor.

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House Bill No. 1475: Reps. Buck and Crain added as prime sponsors.

House Bill No. 1814: Reps. Severance, Yelton, Montgomery, Buck and C. Moore (Lawrence) added as prime sponsors.

House Bill No. 2323: Rep. Yelton added as a prime sponsor; Reps. Peroulas and Holcomb added as a sponsors.

House Bill No. 2360: Rep. B. Turner (Hamilton) added as a prime sponsor.

House Bill No. 2362: Reps. Chiles, West, Garrett, Long and Harrill added as sponsors.

House Bill No. 2405: Rep. Peroulas added as a prime sponsor.

House Bill No. 2427: Rep. Drew added as a prime sponsor.

### **SPONSORS REMOVED**

On motion of Rep. Phillips, his name was removed as sponsor of House Bill No. 1773.

### **INTRODUCTION OF RESOLUTIONS**

**\*House Joint Resolution 0551** -- General Assembly, Studies -- Creates special joint committee to study certification and/or licensure of real estate appraisers. by \*Hobbs, \*Shirley, \*Collier, \*Stallings, \*Henry J.

The Speaker referred House Joint Resolution No. 0551 to the Commerce Committee.

**House Joint Resolution 0553** -- Memorials, Congratulations -- Honors Joe M. Carter on 105th birthday. by \*Holt, \*Tanner.

The Speaker referred House Joint Resolution No. 0553 to the Calendar and Rules Committee.

**House Joint Resolution 0554** -- Memorials, Congratulations -- Congratulates McGavock High School Marching Band on their outstanding season. by \*Purcell.

The Speaker referred House Joint Resolution No. 0554 to the Calendar and Rules Committee.

**House Joint Resolution 0556** -- Memorials, Recognition and Thanks -- Honors horse racing track of Lincoln County Fair. by \*Phillips, \*DePriest.

The Speaker referred House Joint Resolution No. 0556 to the Calendar and Rules Committee.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**House Joint Resolution 0557** -- Memorials, Public Service -- Honors Fred Womack for community service in Fayetteville. by \*Phillips, \*DePriest.

The Speaker referred House Joint Resolution No. 0557 to the Calendar and Rules Committee.

**House Joint Resolution 0558** -- Naming and Designating -- Recognizes Wartrace and Walking Horse Hotel Restaurant and Stables; designates Exit 97 on I-24 as "Cradle of the Tennessee Walking Horse". by \*Phillips.

The Speaker referred House Joint Resolution No. 0558 to the Calendar and Rules Committee.

**House Joint Resolution 0559** -- Memorials, Public Service -- Honors John Keith Jackson and Mid-State Oil Company for contributions to Shelbyville community. by \*Phillips.

The Speaker referred House Joint Resolution No. 0559 to the Calendar and Rules Committee.

**House Joint Resolution 0560** -- Memorials, Personal Achievement -- Honors Johnny Patterson and wishes him success in insurance career. by \*Phillips.

The Speaker referred House Joint Resolution No. 0560 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS**  
**(Congratulatory and Memorializing)**

**Senate Joint Resolution 0356** -- Memorials, Retirement -- Honors John Herron Biddle on retirement.

The Speaker referred Senate Joint Resolution No. 0356 to the Calendar and Rules Committee.

**Senate Joint Resolution 0357** -- Memorials, Retirement -- Honors Preston Huckleby on retirement from Tennessee Bureau of Investigation.

The Speaker referred Senate Joint Resolution No. 0357 to the Calendar and Rules Committee.

**Senate Joint Resolution 0358** -- Memorials, Public Service -- Honors Bessie W. Edwards for outstanding service to community.

The Speaker referred Senate Joint Resolution No. 0358 to the Calendar and Rules Committee.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**Senate Joint Resolution 0359** -- Memorials, Professional Achievement -- Commends Walter Martin, Jr. on musical career and work in church.

The Speaker referred Senate Joint Resolution No. 0359 to the Calendar and Rules Committee .

**Senate Joint Resolution 0360** -- Memorials, Public Service -- Honors Dorothy Parrish for work in Parrish Care Home.

The Speaker referred Senate Joint Resolution No. 0360 to the Calendar and Rules Committee .

**Senate Joint Resolution 0362** -- Memorials, Professional Achievement -- Honors Cynthia A. Gentry for outstanding service to educational community.

The Speaker referred Senate Joint Resolution No. 0362 to the Calendar and Rules Committee .

**Senate Joint Resolution 0367** -- Memorials, Recognition and Thanks -- Commends Tony Hardin on service as legislative page.

The Speaker referred Senate Joint Resolution No. 0367 to the Calendar and Rules Committee .

**Senate Joint Resolution 0368** -- Memorials, Public Service -- Honors Jack Trayer for exemplary work in business for 61 years.

The Speaker referred Senate Joint Resolution No. 0368 to the Calendar and Rules Committee .

**Senate Joint Resolution 0369** -- Memorials, Congratulations -- Honors Warren County Senior High School Pioneerettes.

The Speaker referred Senate Joint Resolution No. 0369 to the Calendar and Rules Committee .

**RESOLUTIONS LYING OVER**

**\*Senate Joint Resolution 0341** -- Memorials, Government Officials -- Directs Departments of Transportation and Tourist Development to promulgate program to beautify and maintain welcome centers and roadsides.

The Speaker referred Senate Joint Resolution No. 341 to the Transportation Committee .

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**INTRODUCTION OF BILLS**

**House Bill No. 2460** -- Somerville -- Dissolves Somerville Light, Gas and Water Commission; transfers power to mayor and aldermen. Amends Ch. 409 Pr. Acts of 1901, as amended. by \*Naifeh, \*Stallings.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

**Senate Bill No. 1184** -- Drivers' Licenses -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1153.

**\*Senate Bill No. 1395** -- Liens -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1597.

**\*Senate Bill No. 1556** -- Alcoholic Beverages -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1857.

**\*Senate Bill No. 1605** -- Highways, Roads and Bridges -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1845.

**\*Senate Bill No. 1606** -- Highways, Roads and Bridges -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2279.

**\*Senate Bill No. 1608** -- Sunset Laws -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1601.

**\*Senate Bill No. 1701** -- Motor Vehicles, Titling and Registration -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1630.

**\*Senate Bill No. 1766** -- Barbers -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2042.

**\*Senate Bill No. 1779** -- Education -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1683.

**Senate Bill No. 1781** -- Education -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1516.

**\*Senate Bill No. 1782** -- Education -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1521.

**\*Senate Bill No. 1836** -- Workers' Compensation -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1818.

**\*Senate Bill No. 1876** -- Taxes -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1721.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**\*Senate Bill No. 1877** -- Travel Regulations -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1929.

**Senate Bill No. 1942** -- Insurance, Motor Vehicles -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1478.

**\*Senate Bill No. 1953** -- Television, Cable -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1784.

**Senate Bill No. 2185** -- Property -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1965.

**Senate Bill No. 2188** -- Local Government -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1968.

**Senate Bill No. 2192** -- Loan Companies -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1972.

**\*Senate Bill No. 2274** -- Courts, Juvenile -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2086.

**HOUSE BILLS ON SECOND CONSIDERATION**

**House Bill No. 2457** -- Criminal Offenses -- Passed second consideration and referred to the Commerce Committee,

**House Bill No. 2458** -- Fayette County -- Passed second consideration and held on the Clerk's desk.

**House Bill No. 2459** -- Dickson -- Passed second consideration and held on the Clerk's desk.

**REPORTS FROM STANDING COMMITTEES**

**COMMERCE**

**MR. SPEAKER:** Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1478 (with amendment), 1533, 1643, 1721, 1784 (with amendment), 1876, 1877, 1893, 1970, 1971, 1972, 2018 (with amendment), 2422, 2434 and 2435 (with amendment).

**TANNER, Chairman.**

Under the rules, House Bills Nos. 1478 (with amendment), 1533, 1643, 1721, 1784 (with amendment) 1876, 1877, 1893, 1970, 1971, 1972, 2018 (with amendment), 2422, 2434 and 2435 (with amendment) were transmitted to the Committee on Calendar and Rules.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**CONSERVATION AND ENVIRONMENT**

**MR. SPEAKER:** Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 417 (with amendment), 943, 1597, 1943 (with amendment), 1961, 1967, 2268, 2270.

HILLIS, Chairman.

Under the rules, House Bills Nos. 417 (with amendment), 943, 1597, 1943 (with amendment), 1961, 1967, 2268, and 2270 were transmitted to the Committee on Calendar and Rules.

**EDUCATION**

**MR. SPEAKER:** Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1333 (with amendment), 1907 (with amendment) and 2418.

We further recommend that, pursuant to **House Rule No. 72**, House Bills Nos. 1703 and 2320 be referred to the Committee on Finance, Ways and Means.

DAVIDSON, Chairman.

Under the rules, House Bills Nos. 1333 (with amendment), 1907 (with amendment) and 2418 were transmitted to the Committee on Calendar and Rules.

Pursuant to **House Rule No. 72**, the Speaker referred House Bills Nos. 1703 and 2320 to the Committee on Finance, Ways and Means.

**FINANCE, WAYS AND MEANS**

**MR. SPEAKER:** Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1168 (with amendment), 1557, 1679 (with amendment), 1741 (with amendment), 1768 (with amendment), 1985, 2198, 2200, 2415 and 2424.

BRAGG, Chairman.

\* Under the rules, House Bills Nos. 1168 (with amendment), 1557, 1679 (with amendment), 1741 (with amendment), 1768 (with amendment), 1985, 2198, 2200, 2415 and 2424 were transmitted to the Committee on Calendar and Rules.



**WEDNESDAY, MARCH 2, 1968 -- SIXTY-FOURTH LEGISLATIVE DAY**

**GENERAL WELFARE**

**MR. SPEAKER:** Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1391, 1532, 1648 (with amendment) and 2298 (with amendment); for adoption: House Joint Resolution No. 457.

**STARNES, Chairman.**

Under the rules, House Bills Nos. 1391, 1532, 1648 (with amendment) and 2298 (with amendment); and House Joint Resolution No. 457 were transmitted to the Committee on Calendar and Rules.

**GOVERNMENT OPERATIONS**

**MR. SPEAKER:** Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1690.

**KING, Chairman.**

Under the rules, House Bill No. 1690 was transmitted to the Committee on Calendar and Rules.

**JUDICIARY**

**MR. SPEAKER:** Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1453 (with amendment), 1678, 1818, 1844, 1846, 1892, 1894, 1898 (with amendment), 2015, 2023, 2041 (with amendment), 2059, 2214 and 2401.

We further recommend that, pursuant to House Rule No. 72, House Bill No. 1886 (with amendment) be referred to the Committee on Finance, Ways and Means.

We further beg leave to report that House Bill No. 1924 was considered but failed to pass.

**BUCK, Chairman.**

Under the rules, House Bills Nos. 1453 (with amendment), 1678, 1818, 1844, 1846, 1892, 1894, 1898 (with amendment), 2015, 2023, 2041 (with amendment), 2059, 2214 and 2401 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 1886 (with amendment) to the Committee on Finance, Ways and Means.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**LABOR AND CONSUMER AFFAIRS**

**MR. SPEAKER:** Your Committee on Labor and Consumer Affairs begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1608.

ELLIS, Chairman.

Under the rules, House Bill No. 1608 was transmitted to the Committee on Calendar and Rules.

**STATE AND LOCAL GOVERNMENT**

**MR. SPEAKER:** Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1387 (with amendment), 1482 (with amendments), 1569, 1583, 1634, 1722, 1776, 1880, 1904, 1909, 1910, 1911, 1947, 1966 (with amendment), 1983, 2035, 2126, 2220 (with amendment), 2330 and 2332; and recommend for adoption House Joint Resolution No. 460.

We further recommend that, pursuant to **House Rule No. 72**, House Bill No. 1968, 1978 (with amendment), and 2329 (with amendment) be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 1387 (with amendment), 1482 (with amendments), 1569, 1583, 1634, 1722, 1776, 1880, 1904, 1909, 1910, 1911, 1947, 1966 (with amendment), 1983, 2035, 2126, 2220 (with amendment), 2330 and 2332; and House Joint Resolution No. 460 were transmitted to the Committee on Calendar and Rules.

Pursuant to **House Rule No. 72**, the Speaker referred House Bill No. 1968, 1978 (with amendment), and 2329 (with amendment) to the Committee on Finance, Ways and Means.

**TRANSPORTATION**

**MR. SPEAKER:** Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1335, 1459, 1845, 1993, 1996, 2040 (with amendment), 2070, 2101, 2254 (with amendment) and 2279 (with amendment); recommend for adoption House Joint Resolutions Nos. 444 and 492.

ROBINSON, Chairman.

Under the rules, House Bills Nos. 1335, 1459, 1845, 1993, 1996, 2040 (with amendment), 2070, 2101, 2254 (with amendment) and 2279 (with amendment); and House Joint Resolutions Nos. 444 and 492 were transmitted to the Committee on Calendar and Rules.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 98; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 531; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 1345, 1485, 1499, 1670, 1737 and 1798; House Joint Resolutions Nos. 67, 535 and 531; and House Resolution No. 98.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1334, 1581, 1713, 1775, 1796, 1885, 1995, 2178, 2216, 2278; House Joint Resolutions Nos. 488, 516, 517, 519, 521, 542, 544, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 555; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 535; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution No. 378, for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 535; for his action.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1381, 1543, 2235, 2362, 2427 and 2428; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution No. 380; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**Senate Joint Resolution No. 380 -- Memorials, Condolence -- Honors the memory of William DeBerry McKissack.**

**SIGNED**

The Speaker announced that he had signed the following: House Joint Resolution No. 555.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 381; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 381 -- Memorials, Congratulations --  
Congratulates David Letterman on sixth anniversary as host of NBC's Late Night  
and encourages him to visit Memphis.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions  
Nos. 434, 436, 437, 438 and 439; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have  
carefully examined House Joint Resolution No. 564; and find same correctly  
engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1328, 1398,  
1636; House Joint Resolutions Nos. 523, 524, 525, 526, 527, 528, 529, with his  
approval.

DAVID H. WELLES,  
Counsel to the Governor.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have  
carefully examined House Bills Nos. 1325, 1342, 1384, 1505, 1862, 1863, 2242, 2272,  
2273, 2311, 2441, 2442, 2454 and 2455; and House Joint Resolutions Nos. 548, 561,  
573 and 574; and find same correctly engrossed and ready for transmission to the  
Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 89; and House Joint Resolutions Nos. 434, 436, 437, 438 and 439; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2454; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1345, 1485, 1499, 1670, 1737 and 1798; also, House Joint Resolutions Nos. 67, 531 and 555; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1391, 1457, 1469, 1499, 1549, 1855 and 2045; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 2454; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Joint Resolution No. 378.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1391, 1457, 1469, 1499, 1549, 1855 and 2045.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1335, 1539, 1659, 1672, 1675, 1724, 1728, 1801, 1802, 2118, 2191, 2275 and 2396; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Bill No. 1335** -- Wildlife Resources Commission -- Adds commissioner of agriculture to Tennessee Wildlife Resources Commission. Amends TCA, Title 70, Ch. 1, Pt. 2. (\*HB 1295).

**Senate Bill No. 1539** -- Traffic Safety -- Requires certain trailers to have safety chains. Amends TCA, Title 55, Ch. 11. (\*HB 1383).

**\*Senate Bill No. 1659** -- Boards and Commissions -- Includes court appointed attorney within definition of "state employee" for eligibility purposes for defense counsel payment under certain circumstances. Amends TCA, Title 8, Ch. 42, Pt. 1. (HB 2092).

**\*Senate Bill No. 1672** -- Criminal Offenses -- Controls purchase and use of freon gas. Amends TCA 39-6-452. (HB 1873).

**\*Senate Bill No. 1675** -- Health -- Redefines "home health service". Amends TCA 68-11-201. (HB 2003).

**\*Senate Bill No. 1724** -- Civil Procedure -- Allows defendant to request a civil case in general sessions court be removed to circuit court prior to judgment. Amends TCA, Title 19, Ch. 1, Pt. 1. (HB 1846).

**\*Senate Bill No. 1728** -- Water Pollution -- Revises provisions relative to the administrative assessment of certain penalties. Amends TCA, Title 69, Ch. 3. (HB 1943).

**\*Senate Bill No. 1801** -- Mental Health and Mental Retardation, Dept. of -- Authorizes department to establish program to reimburse licensed supportive living facilities for mentally ill. Amends TCA, Title 12, Ch. 4. (HB 2065).

**\*Senate Bill No. 1802** -- Insurance, Credit Life -- Allows insurer to use current table to calculate reserves. Amends TCA 56-7-911. (HB 1877).

**\*Senate Bill No. 2118** -- Local Government -- Authorizes transfers between certain funds for waste disposal purposes. Amends TCA 68-46-205, 210. (HB 1770).

**WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY**

**Senate Bill No. 2191** -- Financial Institutions, Dept. of -- Sets amount to be paid by non-depository trust companies to the commissioner. Amends TCA 45-1-118. (\*HB 1971).

**\*Senate Bill No. 2275** -- Divorce and Annulment -- Removes requirement that judges equitably divide marital property upon request of parties prior to determination of support and maintenance obligations. Amends TCA 36-4-121. (HB 2214).

**Senate Bill No. 2396** -- Bail, Bail Bonds -- Limits surety liability for expenses in detainer situations to extent of bail bond. Amends TCA, Title 40, Ch. 11. (\*HB 2212).

### **LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with **Rule No. 48**, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1330, 2452, 2458, and 2459.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following additional bills and/or resolutions on the calendar for Thursday, March 3, 1988: House Bills Nos. 1865, 1962, 1963, 2407, 1957, 1959, 1805, 1725, 1874, 2154, 1445, 1752, 2391, 2390, 1859, 2294; House Joint Resolution No. 470.

PHILLIPS, Chairman.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills and/or resolutions on the Consent Calendar for Thursday, March 3, 1988: House Bills Nos. 2203, 2080 and 1788; House Joint Resolutions Nos. 464, 491, 553, 554, 556, 557, 558, 559 and 560; House Bills Nos. 1330, 2452, 2458, 2459; Senate Joint Resolutions Nos. 356, 357, 358, 359, 360, 362, 367, 368 and 369.

PHILLIPS, Chairman.



WEDNESDAY, MARCH 2, 1988 -- SIXTY-FOURTH LEGISLATIVE DAY

ROLL CALL

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 97.

On motion of Rep. Naifeh, the House adjourned until 9:00 A.M., Thursday, March 3, 1988.